THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 4386 of 2007

O r d e r:

In pursuance of the notification dated 16.02.2006 issued by the 1st respondent for filling up the post of Anganwadi Worker for Suryachandrapuram I.C.D.S. Project, Dharmavaram, Anantapur District, the petitioner and the 3rd respondent submitted their applications. Both were called for interview and were interviewed by the 1st respondent-District Selection Committee of Anglanwadi Workers headed by the Chairman and District Collelctor, Ananthapur. However, the official respondents did not select the petitioner, but they selected the 3rd respondent and appointed her as Anganwadi worker for Suryachandrapuram I.C.D.S. Project. Assailing the said selection and appointment of the 3rd respondent as being contrary to the guidelines, prescribed in the notification, the petitioner filed the present writ petition.

The learned counsel for the petitioner submitted that as per the notification, the qualifications that are required for appointment to the post of Anganwadi Worker are that the candidate should be a daughter-in-law and a local resident of the village for which the post is sought to be filled, she should have passed 10th Class, she should be between the age of 21 to 45 years, and she should be a married person. He submits that even though the petitioner passed 10th Class and is a local resident of Suryachandrapuram village, as is evident from the Nativity Certificate issued by the Dy. Mandal Revenue Officer, Bathalapalli, and is fully qualified to be appointed as Anganwadi Worker for Suryachandrapuram I.C.D.S. Project, the official respondents, contrary to the guidelines prescribed for selection and appointment in the notification, have selected and appointed the 3rd respondent, who has not even passed 8th Class.

He submitted that the basis for identifying whether a candidate is a local resident of the village or not is the Nativity Certificate issued by the Mandal Revenue Officer concerned. However, ignoring the said certificate produced by the petitioner, and contrary to the

guidelines prescribed in the notification, the official respondents have selected the 3rd respondent as Anganwadi Worker of Suryachandrapuram I.C.D.S., based on the village voters list.

He further submitted that the last date for submission of the applications was 23.02.2006. However, the official respondents have received the application of the 3rd respondent much after the cut off date, and this is evident from the fact that the 3rd respondent along with her application has enclosed the Nativity Certificate issued by the Dy. Mandal Revenue Officer on 07.03.2006. He thus submitted that the very selection and appointment of the 3rd respondent as Anganwadi Worker of Suryachandrapuram I.C.D.S. Project made by the official respondents being contrary to the guidelines prescribed in the notification, is liable to be quashed and set aside and prayed that the writ petition be allowed.

Notice before admission was ordered by this Court on 05.03.2007. Despite granting sufficient time, as the official respondents did not file their counter, this Court, by order dated 08.06.2007, directed the personal appearance of the official respondents. Thereupon, the official respondents filed counter and additional counter. As the counter and additional counter filed by the official respondents indicated that they mainly relied upon the voters list to determine the nativity of the candidates for the purpose of selection, this Court, to ascertain what exactly is the criteria adopted by the official respondents for determining the nativity of the selected candidates, since the notification prescribed Nativity Certificate issued by the Mandal Revenue Officer concerned should be the basis, directed the official respondents to appear before this Court and clarify the position. In compliance of the said directions, the official respondents appeared before this Court.

Respondent No.1 in the affidavit filed by him has taken a stand that at the time of interview, the District Selection Committee found discrepancy in the Nativity Certificates produced by the petitioner and the 3rd respondent, and therefore, they verified the voters list of Dampetla Gram Panchayat to determine the exact residential address and nativity of the candidates. Since the District Selection Committee, on verification of the voters list, found that the name of the petitioner figured at Serial No.676 with Door No.2/28, which is located in Kattakindapalli village and the name of the

3rd respondent figured at Serial No.974 with Door No.2/121, which is located in Suryachandrapuram village, they selected and appointed the 3rd respondent as Anganwadi worker of Suryachandrapuram I.C.D.S. Project.

The learned Government Pleader for Women Development and Child Welfare appearing on behalf of the official respondents while reiterating the afore-mentioned stand taken by the official respondents in their counters submitted that since the Dy. Mandal Revenue Officer issued Nativity Certificates to both the petitioner as well as the 3rd respondent based on their house numbers the District Selection Committee relied upon the voters list to determine their exact residential status. She further submitted that upon verification of the voters list, it was established that the petitioner is resident of Kattakindapalli village while the 3rd respondent is resident of Suryachandrapuram village. Since the 3rd respondent was a local resident of Suryachandrapuram village, the District Selection Committee has selected and appointed the 3rd respondent as Anganwadi worker of Suryachandrapuram I.C.D.S. Project, and no exception can be taken thereto.

The counsel appearing on behalf of the 3rd respondent adopted the arguments advanced by the learned Government for Women Development and Child Welfare.

In the background of the pleadings and the arguments advanced, the only question that arises for consideration in this writ petition is whether the official respondents in the selection and appointment of the 3rd respondent as Anganwadi Worker of Suryachandrapuram I.C.D.S. Project, had followed the guidelines prescribed in the notification?

As can be seen from the notification, the qualifications prescribed for appointment to the post of Anganwadi Worker for I.C.D.S. Project, Suryachandrapuram, are that the candidate should be a daughter-in-law and a local resident of the village, she should have passed 10th Class, she should be between the age of 21 and 45 years, and she should be a married person. Admittedly, both the petitioner and the 3rd respondent are daughters-in-law of the village, they are married, they are between the age of 21 and 45 years. The petitioner

passed 10th class while the 3rd respondent failed 10th class, and this is evident from the material papers produced by the respondents. Even though the notification prescribes that a pass in 10th class is required for being being appointed as Anganwadi Worker, and despite the petitioner having passed 10th class, the official respondents, contrary to the educational qualification prescribed in the notification, have selected and appointed the 3rd respondent, who failed 10th class, as Anganwadi Worker of I.C.D.S. Project, Suryachandrapuram. Hence, on this ground itself, the selection and appointment of the 3rd respondent as Anganwadi worker has to be set aside.

Be that as it may, the ground taken by the official respondents for selecting and appointing the 3rd respondent as Anganwadi Worker of I.C.D.S. Project, Suryachandrapuram, despite her not possessing the required educational qualification, is that the 3rd respondent is a local resident of Suryachandrapuram, while the petitioner is not. Admittedly, both the petitioner and the 3rd respondent to satisfy the condition that they are local residents of Suryachandrapuram village, produced Nativity Certificate issued by the Deputy Mandal Revenue Officer, which in fact, is the basis for determining the nativity of the candidate, as is evident from the notification. Even though both the petitioner and the 3rd respondent produced the Nativity Certificate issued by the Deputy Mandal Revenue Officer, the District Selection Committee, as is evident from the counter, in the guise of discrepancy in the certificates produced by the petitioner and the 3rd respondent, verified the voters list of Dampetla Gram Panchayat. Even though, in the notification, the voters list is not prescribed as the basis for determining the nativity of the candidates, yet the District Selection Committee, proceeded to determine the nativity of the candidate based on the voters list. In order to come to the conclusion that the petitioner does not belong to Suryachandrapuram, the District Selection Committee upon verifying the voters list, as is evident from the counter, found the name of the petitioner figured at Serial No.676 with Door No.2/28, which is located in Kattakindapalli and the name of the 3rd respondent figured at Serial No.974 with Door No.2/121, which is located in Suryalchandrapuram, as such the committee has selected the 3rd respondent as Anganwadi worker of Suryachandrapuram

I.C.D.S. Project. It is stated that Kattakindapalli, Suryachandrapuram, Ramanjunampalli and Upparlapalli are hamlets of Dampetla and have been divided into different wards of Dampetla Grampanchayat of Bathalapalli Mandal for the purpose of better administration. In fact, the xerox copy of the ration card of the 3rd respondent produced by the official respondents shows that even the 3rd respondent is resident of hamlet of Kattakindapalli. When Kattakindapalli and Suryachandrapuram are said to be hamlets of Dampetla, I fail to understand why the official respondents have relied upon the voters list, which in fact, is not the basis to determine the nativity of the candidates and come to the conclusion that the petitioner does not belong to Suryachandrapuram and more so when both the petitioner and 3rd respondent have produced Nativity Certificates issued by the Dy. Mandal Revenue Officer, which in fact is the basis for determining the nativity of the candidates. Since the official respondents in the determination of nativity of candidates have adopted criteria, which is not provided in the notification, I am of the opinion that the selection and appointment of the 3rd respondent as Anganwadi worker, being contrary to the guidelines, cannot be sustained.

The impugned selection and appointment of the 3rd respondent as Anganwadi worker cannot be sustained for one other reason. As per the notification, the last date for submitting the applications is 23.02.2006. When the last date for submission of applications is fixed as 23.02.2006, I fail to understand how the 3rd respondent could have submitted her application along with the Nativity Certificate issued by the Dy. Mandal Revenue Officer on 07.03.2006 i.e., much after the last date fixed for submission of applications. The 3rd respondent must have submitted her application much after the last date or the official respondents must have inserted the Nativity Certificate dated 07.03.2006 produced by the 3rd respondent in her application after the last date, and more so when it is not the case of the official respondents that they have permitted the 3rd respondent to produce the Nativity Certificate at a later date.

Thus, it is clear that in the selection and appointment of the 3rd respondent as Anganwadi worker, the official respondents have violated their own guidelines issued in the notification. Since the

official respondents have selected and appointed the 3rd respondent, who is not a qualified candidate, and her appointment being contrary to the guidelines, cannot be sustained and the same is accordingly set aside.

In the result, the writ petition is allowed. Since the petitioner is a local resident of Suryachandrapuram and also possesses the prescribed qualification of pass in 10th Class, the respondents are directed to appoint the petitioner as Anganwadi Worker for Suryachandrapuram village. No costs.

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N.V. RAMANA, J.

Date: 7th Septemer, 2007.
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